

Damian R. Sheets, ESQ.
Nevada Bar No. 10755
NEVADA DEFENSE GROUP
714 South Fourth Street
Las Vegas, NV 89101
Tel: (702) 988-2600
Fax: (702) 988-9500
E-mail: dsheets@defendingnevada.com
Attorney for Defendant
RAVEN STARK

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IT IS HEREBY STIPULATED AND AGREED, by and between EDWARD VERONDA, Esq., Assistant United States Attorney, counsel for the United States of America, and Damian R. Sheets, Esq., counsel for Defendant, RAVEN STARK, that the motion period be extended, that the Calendar Call presently scheduled for October 12, 2021 be continued, and the trial presently scheduled for October 18, 2021, be continued to a time convenient to the court. Defense Counsel requests a setting after March 1, 2022, as he has an out of jurisdiction trial and multiple jury trials set locally prior to that time.

This Stipulation is entered into for the following reasons:

1. Defense Counsel is new to this matter. As part of the investigation in this case, Defense Counsel is in the process of reviewing discovery. After examining such, it is possible that there may be a need to file pre-trial motions or supplements to existing motions.

- 1 2. Due to the Covid-19 pandemic and the associated Governor's orders, which include an
2 order to "Stay Home for Nevada", Counsel has been delayed in the investigation of this
3 matter. Defense Counsel himself is still recovering from Covid-19 (until between mid
4 October 2021 and March 2022), and ensuing complications which include ongoing
5 treatment for existing bi-lateral pneumonia and three pulmonary embolisms.
6 3. Defense Counsel will not have sufficient and adequate time to effectively and thoroughly
7 prepare for trial and present an appropriate defense in the above-captioned matter on the
8 date currently set for trial.
9 4. Counsel for the Government has been advised by Defense Counsel that, after conferring
10 with his client, they may want to file pre-trial motions and will need an extension of time
11 beyond the currently scheduled motion cutoff date.
12 5. Denial of this request for continuance would deny Defense Counsel sufficient time, on the
13 date currently set for trial, taking into account the exercise of due diligence.
14 6. Furthermore, denial of this request for continuance could result in a miscarriage of justice.
15 7. Defendant is currently not in federal custody and is not opposed to the continuance.
16 8. Defense counsel is requesting a Jury Trial date of no earlier than a date after March 1, 2022.
17 9. This is the tenth request for a continuance, but new Defense Counsel's First Request.

18 The additional time requested by this Stipulation is excludable in computing the time
19 within which the trial herein must commence, pursuant to the Speedy Trial Act, Title 18, United
20 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
21 Sections 3161 (h)(7)(B)(i) and 3161(h)(7)(B)(iv).

22 DATED this 23rd day of September 2021.

24 s/Edward Veronda
25 EDWARD VERONDA, ESQ.
26 Assistant United States Attorney

27 s/Damian R. Sheets
28 DAMIAN R. SHEETS, ESQ.
 Nevada Bar No. 10755
 Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
RAVEN STARK,
Defendant.

Case No: 2:18-cr-00392-RFB-VCF

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

RAVEN STARK,
Defendant.

The Court having considered the Stipulation between the Plaintiff, United States of America, by and through EDWARD VERONDA, Esq., United States Attorney and Defendant, Damian R. Sheets, Esq., counsel for Defendant, RAVEN STARK, and makes the following findings of fact and conclusions of law and enters the following order:

FINDINGS OF FACT

Counsel for the Government was advised by Damian R. Sheets, Esq., counsel for Defendant, RAVEN STARK, that Defense Counsel needs further time to review discovery and prepare for trial.

1. Defense Counsel is new to this matter. As part of the investigation in this case, Defense Counsel is in the process of reviewing discovery. After examining such, it is possible that there may be a need to file pre-trial motions or supplements to existing motions.
 2. Due to the Covid-19 pandemic and the associated Governor's orders, which include an order to "Stay Home for Nevada", Counsel has been delayed in the investigation of this matter. Defense Counsel himself is still recovering from Covid-19 (until between mid October 2021 and March 2022), and ensuing complications which include ongoing treatment for existing bi-lateral pneumonia and three pulmonary embolisms.

- 1 3. Defense Counsel will not have sufficient and adequate time to effectively and thoroughly
- 2 prepare for trial and present an appropriate defense in the above-captioned matter on the
- 3 date currently set for trial.
- 4 4. Counsel for the Government has been advised by Defense Counsel that, after conferring
- 5 with his client, they may want to file pre-trial motions and will need an extension of time
- 6 beyond the currently scheduled motion cutoff date.
- 7 5. Denial of this request for continuance would deny Defense Counsel sufficient time, on the
- 8 date currently set for trial, taking into account the exercise of due diligence.
- 9 6. Furthermore, denial of this request for continuance could result in a miscarriage of justice.
- 10 7. Defendant is currently not in federal custody and is not opposed to the continuance.
- 11 8. Defense counsel is requesting a Jury Trial date of no earlier than a date after March 1, 2022.
- 12 9. This is the tenth request for a continuance, but new Defense Counsel's First Request.

13 The additional time requested by this Stipulation is excludable in computing the time
14 within which the trial herein must commence, pursuant to the Speedy Trial Act, Title 18, United
15 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
16 Sections 3161 (h)(7)(B)(i) and 3161(h)(7)(B)(iv).

17 For all of the above stated reasons, the ends of justice would best be served by a
18 continuance of the trial date herein.

19 **CONCLUSIONS OF LAW**

20 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
21 States Code, Section 3161(h) and Title 18, United States Code, Section 3161(h)(7)(A), when
22 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
23 3161(h)(7)(B)(iv).

24 The ends of justice served by granting said continuance outweigh the best interest of the
25 public and defendant in a speedy trial, since the failure to grant said continuance would be likely
26 to result in a miscarriage of justice, would deny defense counsels sufficient time within which to
27 be able to effectively and thoroughly research and prepare for trial and to submit for filing any
28 appropriate motions, taking into account the exercise of due diligence.

ORDER

Based on the pending Stipulation of the parties and good cause appearing therefore,

IT IS THEREFORE ORDERED that the trial in this matter currently scheduled be vacated and continued to April 11, 2022 at the hour of 9:00 AM

IT IS FURTHER ORDERED that the calendar call currently scheduled for be vacated and continued to April 5, 2022 at the hour of 1:30 PM

IT IS FURTHER ORDERED that the parties herein shall have to and including

January 24, 2022, by the hour of 5:00 p.m., within which to file any and all pretrial motions and notices of defense.

IT IS FURTHER ORDERED that the parties shall have to and including

February 7, 2022, by the hour of 5:00 p.m., within which to file any and all responsive pleadings; and

IT IS FURTHER ORDERED that the parties shall have to and including

February 14, 2022, by the hour of 5:00 p.m., within which to file any and all replies to dispositive motions.

IT IS FURTHER ORDERED that the Master Trial Scheduling Conference set for

September 27, 2021 is Vacated.

DATED this 23rd day of September, 2021.

8

RICHARD F. BOULWARE, III

United States District Judge